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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,883

03/16/2005

Luis Gonzaga Ozcariz Eizaguirre

P/4043-169

5880

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7590

11/28/2006

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EXAMINER

ADAMS, GREGORY W

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/524,883

Applicant(s)

OZCARIZ EIZAGUIRRE, LUIS
GONZAGA

Examiner

Gregory W. Adams

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10 is/are rejected.
- 7) ☒ Claim(s) 8,9 and 11-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/16/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/16/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 & 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins et al. (GB 2061886) in view of Siriporn et al. (US 5,160,129) and Scarabino et al. (US 4,687,193).

Higgins et al. disclose a stacking machine comprising a first stacking area 226 and a second stacking area 227 that each form half packages, tilting table 218 straps, first and second stops 3, upper conveyor belt 224, 225 and does not disclose vanes, servo-motor, or first and second pressing means.

Siriporn et al. disclose pressing means 44 in a stacking area to prevent the freshly glued flaps from unfolding, but without applying any noticeable compression force to the stack being formed. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the stacking areas of Higgins et al. to include first and second pressing means, as per the teachings of Siriporn et al., to prevent glued flaps from unfolding.

Scarabino et al. discloses vanes that rotate by a servo-motor that regulates the angular position such that a stack can be squared or in the alternative successive sheets can be independently oriented. C1. Therefore, it would have been obvious to

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one having ordinary skill in the art at the time the invention was made to modify the apparatus of Higgins et al. to include servo-motor driven vanes, as per the teachings of Scarabino et al., to orient a forming stack according to user specifications.

The Examiner concludes the following interpretations with respect to claim 1: (1) there is no positively recited structure directed to combining two stacks into one beyond that in line 6 which recites the intended use of making a first half and a second half of boxes to into a stack; (2) although claim 1 positively recites first and second stacking areas there is no recitation of stacking to both areas either simultaneously, consecutively or in combination which would then create the condition in which the first and second stacks are combined; and (3) although positively recited lines 11-12 essentially make optional stacking in either the first or the second area, e.g. of transporting boxes from an infeed area toward a first stacking area **or** (emphasis added) a second area.

Claims 2 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins et al. (GB 2061886) in view of Siriporn et al. (US 5,160,129), Scarabino et al. (US 4,687,193) and Adami (US 5,829,951).

With respect to claim 2, Higgins et al. discloses stops of different length but does not disclose tilting stops. Adami discloses tilting stops 33, 33X such that a finished stack is movable in the direction of removal of the stacks and provided with a withdrawal movement to permit the discharge of the formed stacks. C2/L10-15. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

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made to modify the apparatus of Higgins et al. to include stops that tilt, as per the teachings of Adami, to allow a finished stack to clear.

With respect to claim 10, Higgins et al. discloses a descending first table as boxes are stacked and does not disclose a lower table. Siriporn et al. disclose a first table 52 that descends as boxes are stacked and a second table 34, 41 below a first table 52 that have longitudinal slots for first table fingers to prevent the freshly glued flaps from unfolding. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Higgins to include in each stacking area a first table and second lower table said lower table having slots for transfer fingers, as per the teachings of Siriporn et al., to keep flaps glued.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins et al. (GB 2061886) in view of Siriporn et al. (US 5,160,129), Scarabino et al. (US 4,687,193) and Brockmuller (US 3,525,444).

Higgins et al. discloses stacking areas that are capable of ascending and descending motion, and do not disclose conveyor belts. Brockmuller discloses a conveyor belt 28 that is capable of ascending or descending motion via cylinders 32 which prevents stacked articles from becoming disordered or rolling and for forming a loose stack. C1/L40-50. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Higgins et al. to include conveyor belts, as per the teachings of Brockmuller, for orderly stacking.

Allowable Subject Matter

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Claims 8, 9, 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

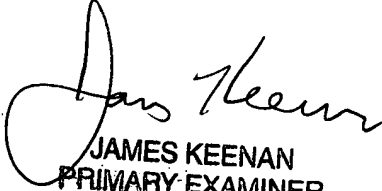
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA


JAMES KEENAN
PRIMARY EXAMINER